

1 HAROLD J. MILSTEIN (No. 145074)  
 2 HELLER EHRLMAN LLP  
 3 275 Middlefield Road  
 4 Menlo Park, California 94025  
 (650) 324-7000  
 (650) 324-0638 (fax)  
 harold.milstein@hellerehrman.com

5 Attorneys for Plaintiff  
 6 SPOTLIGHT SURGICAL, INC.

7  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

9 SPOTLIGHT SURGICAL, INC.,  
 10

Plaintiff,

11 v.  
 12

DEPUY, INC. and DEPUY SPINE, INC.,  
 13

Defendants.

14 Case No. C-07-03362 JF  
 15

**STIPULATION (FIFTH) AND  
 [PROPOSED] ORDER TO CONTINUE  
 CASE MANAGEMENT CONFERENCE  
 AND RELATED DEADLINES**

16 Plaintiff Spotlight Surgical, Inc., on the one hand, and defendants DePuy, Inc. and  
 17 DePuy Spine, Inc., on the other, hereby stipulate and agree, through their respective counsel,  
 18 as follows:

19 1. The Court's Order To Continue Case Management Conference And Related  
 20 Deadlines entered on February 5, 2008 sets forth the following deadlines:  
 21

22 **March 7, 2008**

Last day to:

- 23 • meet and confer re: initial disclosures, early settlement,  
     ADR process selection, and discovery plan; and
- 24 • file Joint ADR Certification with Stipulation to ADR  
     Process or Notice of Need for ADR Phone Conference.

March 21, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

March 31, 2008

Initial Case Management Conference (CMC) in Courtroom 3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

2. The parties have been engaged in settlement discussions to resolve this litigation, have reached a settlement in principle and have exchanged a draft settlement agreement, subject to the parties' entry into a mutually acceptable settlement agreement.

3. The parties wish to continue the Initial Case Management Conference and extend the deadlines for the parties to meet and confer regarding initial disclosures, early settlement, ADR process selection, and discovery plan; file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference; and file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement, all for approximately 30 days, in order to conserve the resources of the parties and the Court and to allow the parties time to finalize settlement.

4. There being good cause, the parties hereby stipulate and respectfully request that the Court issue an Order resetting the above deadlines as follows:

April 7, 2008

Last day to:

- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; and
- file Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.

April 21, 2008

Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement.

1  
2       **April 30, 2008**

Initial Case Management Conference (CMC) in Courtroom  
3, 5<sup>th</sup> Floor, SJ at 10:30 a.m.

4  
5 Dated: March 17, 2008

HELLER EHRMAN LLP

6  
7 By \S\ HAROLD J. MILSTEIN  
8 Harold J. Milstein

9  
10 Attorneys For Plaintiff SPOTLIGHT  
11 SURGICAL, INC.

12 Dated: March 17, 2008

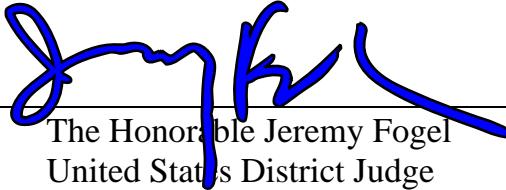
MORGAN, LEWIS & BOCKIUS LLP

13  
14 By \S\ DIANE MASON  
15 Diane Mason

16 Attorneys for Defendants DEPUY, INC. and  
17 DEPUY SPINE, INC.

18  
19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20  
21 Dated: 3/19/08

22  
23   
The Honorable Jeremy Fogel  
United States District Judge